

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amy Palmer	Team: Team # 1	CCRB Case #: 200205553	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 08/08/2002 3:00 PM	Location of Incident: C/O Dawson Street/Rev Polite Avenue	Precinct: 41	18 Mo. SOL 2/8/2004	EO SOL 2/8/2004	
Date/Time CV Reported Wed, 08/14/2002 2:38 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/21/2002 9:46 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Patrick Cortright	00000	910420	041 PCT
2. POM Richard Blum	20207	915324	041 PCT
3. POM David Sanchez	23514	898470	041 PCT
4. An Officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Evelyn Rivera	16369	920764	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Patrick Cortright	Force: Lt. Patrick Cortright used physical force against § 87(2)(b)	
B.LT Patrick Cortright	Discourtesy: Lt. Patrick Cortright spoke rudely to § 87(2)(b)	
C.POM Richard Blum	Discourtesy: PO Richard Blum spoke rudely to § 87(2)(b)	
D. An Officer	Force: An Officer used physical force against § 87(2)(b)	
E.POM David Sanchez	Force: PO David Sanchez used physical force against § 87(2)(b)	
F.POM David Sanchez	Abuse: PO David Sanchez threatened § 87(2)(b) with the use of force.	
G.POM Richard Blum	Force: PO Richard Blum used physical force against § 87(2)(b)	
H.POM David Sanchez	Discourtesy: PO David Sanchez spoke rudely to § 87(2)(b)	
I. An Officer	Abuse: An Officer threatened § 87(2)(b) and § 87(2)(b) with the use of force.	

Synopsis

§ 87(2)(b) called IAB on 8/14/02 to report that her children were verbally and physically abused by members of the 041 precinct after her children, § 87(2) and § 87(2)(b) were arrested for shoplifting. According to her children, they were detained in a bodega by a storekeeper who suspected § 87(2) of stealing potato chips. Officers responded, and hit § 87(2) twice in the back (Allegation A) as they attempted to handcuff him, calling him a “sissy” (Allegations B and C). § 87(2)(b) was also handcuffed and allegedly struck in the side during that process (Allegation D). As they were being removed to the 041 precinct, officers discovered that they were the children of § 87(2)(b) who is recognized by the precinct as someone who files numerous complaints. She has an open lawsuit pending against 041 precinct officers.

According to the children, they were brought to the precinct, placed in the juvenile room, and handcuffed to chairs. PO Sanchez turned out the lights of the room and lifted § 87(2) in his chair, shaking him (Allegation E) and threatening to throw him (Allegation F). PO Blum either “smacked” or “poked” § 87(2) in the head (Allegation G), and officers called § 87(2) names and called him retarded (Allegation I). They referenced past incidents with other § 87(2)(b) children and threatened to take § 87(2) and § 87(2)(b) to another room and beat them (Allegation H). § 87(2)(b) arrived at the precinct and began to calmly leave with her children, but then returned, alleging verbal and physical abuse, and requesting names from officers.

§ 87(2)(g)

[REDACTED]

Summary of Complaint

§ 87(2)(b) called Internal Affairs on 8/14/02, stating that her two children, § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were arrested by officers for shoplifting in a corner bodega at § 87(2)(b) in the Bronx. § 87(2)(b) went to pick up her children at the precinct, where she is known. § 87(2)(b)

[REDACTED]

§ 87(2)(b) retrieved her children and started to leave the precinct. As she was walking out, her children began telling her what had happened to them. § 87(2)(b) re-entered the precinct and made several allegations. She was interviewed by IAB later that same day (Encls. 7 & 9).

§ 87(2)(b) was not a witness to part of the incident. Based upon what her children told her, and who they pointed out in the precinct, § 87(2)(b) alleged that Lt. Patrick Cortright punched § 87(2) and hit him in the back, while Det. Sanchez lifted up the chair to which § 87(2) was handcuffed and shook him. She also stated that § 87(2) was called a “sissy” and a “punk” and was smacked in the face. Officers also allegedly told § 87(2) that he was going to fall off the roof like his older brother § 87(2)(b) § 87(2)(b) explained that she had kicked her older son out of the house, but he had attempted to climb back into their third-floor apartment by coming down from the roof along a cable wire, and he had fallen and gotten seriously injured). § 87(2)(b) further alleged that § 87(2)(b) was punched in the stomach and side. § 87(2)(b) stated that her daughter informed her that while the two children were being taken back to the precinct, they were asked their names, and PO Rivera asked them if they were § 87(2)(b) children. § 87(2)(b) also indicated that PO Blum was a subject officer. She did not allege any injury to either child, and neither received medical attention.

§ 87(2)(b)

§ 87(2)(b) who is § 87(2)(b) was interviewed by IAB on 8/14/02 (Encls. 7 & 9). She stated that upon being locked in the store, she was trying to pull her bike away from the storekeeper when she fell into a rack of bread, knocking it over. Officers arrived at this point, and an officer in a white shirt, glasses, dark hair (Lt. Cortright) threw her brother on the floor and kicked him in the back. A female officer (PO Rivera) went to handcuff § 87(2)(b) at which point Lt. Cortright also hit her in her stomach/side area. When asked by IAB if she resisted, § 87(2)(b) indicated that she said “no” but let them handcuff her. In the patrol car on the way to the precinct, she was asked her name, and PO Rivera asked her if she was § 87(2)(b) kid. Once at the precinct, an officer in a white T-shirt, who was the same as the chubby white officer in uniform at the store (PO Blum) smacked § 87(2)(b) in the face. PO Sanchez turned off the light, lifted § 87(2)(b) chair, and threatened to throw him (either out of the chair or out of the room). § 87(2)(b) clarified that the door to the juvenile room remained open, which allowed her to see what was happening. § 87(2)(b) was called a sissy by an unspecified officer, and § 87(2)(b) was crying and angry. § 87(2)(b) was also upset. § 87(2)(b) indicated that although the force used towards her was painful, she did not sustain any injuries.

§ 87(2)(b) was interviewed by the CCRB on 10/22/03 (Encl. 13a-h) in the presence of her mother, after multiple contact attempts with her mother were unsuccessful. She stated that on the date of the incident, her brother § 87(2)(b) came to get her because a storekeeper had taken his bike and accused him of stealing. § 87(2)(b) and § 87(2)(b) went to the store to ask for the bike back, but the shopkeeper accused § 87(2)(b) of stealing a can of Pringles and locked them inside the store. § 87(2)(b) and § 87(2)(b) got in a tug-of-war with the shopkeeper, who let go of the bike, causing them to fall backwards into a rack of bread.

Four officers entered the store, including a white-shirted male with black hair, a mustache, and glasses (Lt. Cortright), a female officer (PO Rivera), a chubby white male with black hair (PO Blum), and a dark-skinned officer (PO Sanchez, who is Hispanic). The officers asked what happened and PO Blum spoke with the storekeeper in Spanish. The officers then told the children “Let’s go.” § 87(2)(b) stated, “I don’t know if my brother was pulling away, but I know they threw him.” However, she then described that PO Blum grabbed § 87(2)(b) arms for Lt. Cortright to handcuff. That was all she saw before PO Rivera and PO Sanchez turned her around to handcuff her, and she couldn’t see anything else.

Once she was handcuffed, she was turned back around, and observed Lt. Cortright push her already handcuffed brother into a shelf and throw him on the floor. PO Blum then kicked her brother in the back as he lay on his stomach, calling him a sissy and telling him to get up. Lt. Cortright also called § 87(2)(b) a sissy. They picked up her brother, who was crying. She did not see § 87(2)(b) try to get away from officers, or try to kick or hit any officer.

§ 87(2)(b) and § 87(2)(b) were taken to the precinct, where they were handcuffed to chairs in a room near the desk (juvenile room). Inside the precinct, the officers kept telling § 87(2)(b) to talk, and poking him in the head. They were teasing § 87(2)(b) and calling him names. Lt. Cortright called him a bitch and used the word “fuck” towards him. § 87(2)(b) did not want to repeat what he said, so only stated that he used the “B word” and the “F word” towards her brother. PO Sanchez turned out the lights, picked up the chair that § 87(2)(b) was in, and started shaking it, saying he was going to bring him to a gym or a room and beat him. He also said he would throw § 87(2)(b) out of the room. PO Blum said something to § 87(2)(b) about falling off the roof like his older brother, who the chubby officer stated he’d arrested before. There was a § 87(2)(b) Jamaican boy in the room, who didn’t speak much English..

On this date, § 87(2)(b) was presented with single photographs of the four involved officers, including an additional PO Sanchez (Carlos Sanchez), to clarify who her allegations were against. She identified Lt. Cortright as the white-shirted officer who was trying to handcuff § 87(2)(b) who called him sissy, and used profanity. She identified PO David Sanchez as the “dark-skinned” officer who turned off the lights, picked up § 87(2)(b) while he was in the chair and shook it, threatened to throw him out of the room, and stated he would take them to a place or room and beat them. She identified PO Blum as the officer who kicked § 87(2)(b) twice in the back in the store, cursed at him, stated he would beat them in a room and teach them a lesson, and smacked him in the face. She identified PO Rivera as the officer who handcuffed her and asked her for her name. She did not recognize PO Carlos Sanchez, who played no part in the incident.

§ 87(2)(b) stated that officers did not do anything to her.

§ 87(2)(b)

§ 87(2)(b) who is § 87(2)(b) was interviewed by IAB on 8/14/02 (Encls. 7 & 9). He stated that four officers entered the bodega, and a white shirted officer (Lt. Cortright) threw him to the ground, hit him in the back, and hit his sister. In the precinct he was handcuffed to a chair and lifted. An officer threatened to hit him and/or throw him but did not do so. He was smacked in the face and called a “punk” and a “crybaby.” They told him he was going to jump off of the roof like his brother. § 87(2) indicated that there was an officer in a white T-shirt and an orange T-shirt present but both had been present in the store and had seemingly changed clothes. § 87(2) indicated he did not sustain any injuries.

§ 87(2)(b) was interviewed by the CCRB on 10/22/02 (Encl. 12a-h), in the presence of his mother. He stated that on the date of the incident, he and a friend both bought potato chips at a store. § 87(2) stated that he left the money for his chips on the counter. He forgot his bike when he left the store, but when he went back for it, it was no longer outside. The storekeeper accused him of stealing the chips, which § 87(2) stated he did not do. He went to get his sister, and together the two children returned to the store to try to get his bicycle back. The storekeeper locked the door so they couldn’t leave. § 87(2) and § 87(2)(b) tried to get the bike away from the shopkeeper and ended up falling into a bread rack. § 87(2) was getting angry because he didn’t steal anything.

§ 87(2) stated five officers came into the store, though he could only recall three, including an officer in a white shirt (Lt. Cortright), a white officer in a blue shirt (PO Blum) and a black officer in a blue shirt (PO Sanchez). Lt. Cortright grabbed § 87(2)(b) arms from behind. He did not give § 87(2) any orders, and did not try to pull his arms behind his back. Instead, Lt. Cortright pushed § 87(2) on the ground and punched him twice, once in the middle of his back and once on his right shoulder, telling him he was bad for stealing, and then handcuffed him on the ground. No other officer did anything to him.

§ 87(2) got up and did not see what happened to his sister. He was placed in a car with his sister and driven to the precinct. He later stated that he believed PO Rivera grabbed his sister, and that PO Blum might have kicked or hit his sister.

In the precinct, they were placed in the juvenile room and handcuffed to chairs. There was another boy in the room as well. PO Sanchez turned off the light and lifted the chair § 87(2) was sitting in up to his chest level, shaking it. PO Sanchez said he was going to throw § 87(2) out of the window. An officer in a white T-shirt, who had not been on the scene, stated that if § 87(2) kept doing bad things he was going to jump off a roof and be like his brother. The man in the white T-shirt also told him that he was going to teach him a lesson. PO Sanchez put down the chair and told § 87(2) that he was stupid, and stated that when he grows up he is going to be retarded and fail every class he has. The officer in the white T-shirt added that he was going to take § 87(2) to a room and hit him. § 87(2) did not see the officer in the white uniform shirt while in the precinct. § 87(2) stated that he had a mark from the handcuffs and a brownish bruise about an inch and a half long on his right shoulder.

§ 87(2) was shown a series of single photographs on this date, and identified PO David Sanchez as the dark-skinned officer who picked up the chair and called him retarded and a failure. He identified Lt. Cortright as the white-shirted officer who threw him on the floor and punched him twice. § 87(2) did not recognize PO Blum or PO Carlos Sanchez. He identified PO Rivera as the officer who handcuffed his sister.

§ 87(2) stated an unknown officer may have poked his face in the stationhouse, but affirmed that he was not kicked or hit while inside the precinct.

Results of Investigation

Civilian Witnesses

§ 87(2)(b)

§ 87(2)(b) is a § 87(2)(b) boy who was already in the juvenile room of the 041 precinct when § 87(2) and § 87(2)(b) were brought inside. He was identified by the command log entry, which records his address and his guardian’s name. § 87(2)(a) FCT § 380.1

§ 87(2)(b) He recalls the incident but did not recognize pictures of § 87(2) and § 87(2)(b) when shown them during his CCRB interview on 2/11/03, and did not recognize any of the photographs of officers, also shown on this date.

§ 87(2)(b) was interviewed by the CCRB on 2/11/03 (Encl. 15a-b) in the presence of § 87(2)(b) his adult guardian, and spoke only a little bit of English. He recalls a brother and sister, about ten or eleven years old, being brought into the juvenile room and handcuffed to chairs. He was within arms' reach and did not observe any injuries to either child. § 87(2)(b) was angry and uncooperative, and § 87(2)(b) kept telling him he should cooperate with officers. § 87(2)(b) recalls only two officers interacting with the children, including a female officer, and a tall uniformed white officer whom § 87(2)(b) stated was his arresting officer.

§ 87(2)(b) did not recall any physical interaction between officers and the children in the hour or so he was in the juvenile room with them. He does recall PO Blum saying something like "If you continue like this, you might lose your life in the precinct." It should be noted that § 87(2)(b) did not have full command of the English language, that his normal phrasing was quite formal, and it is very possible that he was paraphrasing. When asked if the statement seemed to be a threat or if the officer was simply telling § 87(2)(b) to be careful, he stated that it seemed like the officer was just telling § 87(2)(b) to be careful. § 87(2)(b) recalls no mention of beating anyone up, threats to throw § 87(2)(b) off a roof, or any profanity used by officers. He was asked if he ever heard an officer say anything bad to § 87(2)(b) and he stated no. He never saw an officer pick up § 87(2)(b) chair and shake it, and stated that the officers did not seem to be angry. He was in the room with them for about an hour, and left before they did.

§ 87(2)(b) stated he did not wish § 87(2)(b) to sign a verification form, and seemed concerned about the ramifications if § 87(2)(b) had inadvertently stated something incorrectly. He seemed nervous about allowing § 87(2)(b) to speak with the CCRB.

§ 87(2)(b)

§ 87(2)(b) is employed in the bodega at § 87(2)(b) where the § 87(2)(b) children were arrested. Inv. Sarah Bridger interviewed him in the field on 10/24/02 (Encl. 14a-c) in a combination of English and Spanish.

§ 87(2)(b) was working at the bodega on the afternoon the § 87(2)(b) siblings were arrested. He stated that § 87(2)(b) who was alone, stole a can of Pringles and ran out of the store. § 87(2)(b) was able to grab the boy's bike, which he brought inside the store. Five to ten minutes later, § 87(2)(b) returned with his sister. The two children and § 87(2)(b) were "fighting" over the bike. Specifically, they were both throwing cans of tomatoes at § 87(2)(b). § 87(2)(b) somehow damaged the door to the bodega.

Someone from outside the store called the police, and § 87(2)(b) recalls three officers responding, two men in blue shirts, both of whom looked Hispanic, and a female, who was Hispanic. The officers asked what happened and § 87(2)(b) explained. He told § 87(2)(b) that if he called his mother he could get the bicycle back, but § 87(2)(b) refused.

One male and one female officer attempted to handcuff § 87(2)(b) who resisted by moving his arms and hands. He tried to leave the store, but the officers placed § 87(2)(b) slowly onto the ground. § 87(2)(b) kicked at officers a few times, but § 87(2)(b) was not sure which one he kicked. This entire process took 3-5 minutes. The boy never punched or struck the officers in any other way, and officers never struck or punched § 87(2)(b). § 87(2)(b) does not recall hearing officers use the word "sissy" during the incident. § 87(2)(b) was also handcuffed by the male officers.

Officer Statements

PO David Sanchez

PO Sanchez was interviewed by the CCRB on 5/2/03 (Encl. 19a-e). He stated that upon entering the bodega with PO Rivera, § 87(2)(b) was already struggling with Lt. Cortright, and PO Blum had § 87(2)(b) face first against a wall. The store was a mess, with a rack of snacks having been overturned and scattered on the floor. PO Sanchez later heard the storekeeper mention something about a broken window.

PO Sanchez approached the lieutenant, who had a squirming § 87(2)(b) on the floor. § 87(2)(b) was moving his arms to resist being handcuffed. One handcuff was already on him, and as PO Sanchez approached, Lt. Cortright managed to get the other cuff on. The lieutenant stood § 87(2)(b) up, and PO Sanchez did not participate in handcuffing or lifting § 87(2)(b). § 87(2)(b) was not punched in the back. § 87(2)(b) was not crying, and no officer called him a "sissy." PO Sanchez then walked § 87(2)(b) to his RMP.

While this was occurring, PO Blum was holding § 87(2)(b) against the wall, holding her hands behind her back because he did not have a pair of handcuffs. PO Rivera placed her own handcuffs on § 87(2)(b) who was squirming and crying, saying “Get off my brother.” PO Sanchez did not see § 87(2)(b) on the floor, though he stated this could have happened after he brought § 87(2) out. PO Sanchez stated § 87(2)(b) walked willingly to the car and did not observe PO Blum carry her.

Lt. Cortright ordered the children to the stationhouse, where they were placed in the juvenile room. PO Sanchez left them in the room with PO Rivera and PO Blum as he spoke to the lieutenant for five to ten minutes, getting the details about why they were arrested. PO Sanchez could see in the room during this time and saw no physical contact between the children and the officers other than handcuffing them to the chairs. He then went back into the juvenile room and asked § 87(2) for parental contact information. PO Sanchez stated that he does not know if PO Blum and PO Rivera attempted to obtain this information prior to his attempts. PO Sanchez asked § 87(2) once for his address and telephone number, but § 87(2) did not want to provide it. PO Sanchez then asked § 87(2)(b) who gave him the information, about ten minutes after they were first placed in the juvenile room.

PO Sanchez denied that the lights were turned off (though it is worth noting that the previously clear-spoken officer stammered and stuttered when answering the question). He stated that the chair § 87(2) was handcuffed to was never moved, and denied ever lifting the chair and shaking the boy. No officer poked § 87(2) in the head, called him stupid, threatened him with force, used profanity, or threatened to throw him off the roof.

After obtaining the necessary information from § 87(2)(b) PO Sanchez called § 87(2)(b) who came to the precinct about twenty minutes later. PO Sanchez recognized her at this point, which was the first time he realized that § 87(2) and § 87(2)(b) were her children. § 87(2)(b) was calm and left the precinct with her children in about fifteen minutes. Shortly thereafter she came back in, requesting his and Lt. Cortright’s names. She spoke to the lieutenant, alleging that he had punched § 87(2) and that he had referenced an incident with another of her sons, where someone fell off the roof. The lieutenant provided the names of the arresting officers to § 87(2)(b).

PO Evelyn Rivera

PO Rivera was interviewed by the CCRB on 4/4/03 (Encl. 18a-f). She and her partner, PO David Sanchez, responded to the bodega. When they arrived, § 87(2)(b) was already standing rear-cuffed in the front of the store, which was messy since a rack had been knocked over and things were on the ground. Lt. Cortright directed her to cuff § 87(2)(b) who resisted by moving her arms around. PO Rivera handcuffed her in a standing position, with the assistance of an unknown officer, who held § 87(2)(b) other arm. PO Rivera had to turn § 87(2)(b) around, and the girl did not go to the floor to avoid being handcuffed.

PO Rivera did not observe any physical force being used towards § 87(2) and never saw him on the floor. She did not recall him being called a “sissy.” She did not recall any attempts made to obtain identifying information from the children while inside the store.

Inside the precinct, the children were placed into the juvenile room, and PO Rivera began filling out paperwork and attempting to get contact information for their mother. They were quiet and reluctant to give any information. PO Rivera and PO Sanchez were both speaking to the children, telling them it was in their best interests to cooperate. She did not recall what her partner said to the children. When asked if they were reprimanding the children for their actions in the store, she recalled that someone told them “Next time just ask your mother for change,” but does not recall anyone making comments that they were going to end up in jail.

PO Rivera did not recall any physical contact with the children while they were in the juvenile room other than cuffing them to the chairs. She did not observe the chair § 87(2) was handcuffed to be moved, and did not recall PO Sanchez shaking the chair. She never heard any officer state that the children needed to be taught a lesson, threaten the use of force, or use profanity. She stated she was in and out of the room, and did not make those comments.

When asked if any reference was ever made to other § 87(2)(b) family members, she stated “Not from me,” and then denied ever hearing this remark. She did not hear any comments about § 87(2) jumping or falling from a roof, and did not hear anyone call him stupid. When § 87(2)(b) came to the stationhouse, PO Rivera explained to her why her children were there. § 87(2)(b) was calm, and left the stationhouse with her children. However, she then returned and began taking names. PO Rivera heard her allege that her children had been beaten.

PO Richard Blum

PO Blum was interviewed by the CCRB on 10/31/02 (Encl. 16a-e). On the date of the incident, he was assigned as Lt. Cortright's driver. The two officers responded to the bodega on a shoplifting call, as did PO Sanchez and PO Rivera. All the officers entered the store simultaneously. The storeowner was blocking the door to prevent the children from leaving. Lt. Cortright spoke to the owner in English, and then told the officers to bring the children into the precinct so their parents could be called. PO Blum was standing by the door at this time. PO Sanchez and PO Rivera handcuffed the children, and PO Blum did not participate in this process.

§ 87(2)(b) had one handcuff on and dropped to the floor, which was imitated by her fully handcuffed brother. She was screaming "You're not putting handcuffs on me, I'm not going anywhere." § 87(2)(b) would not get up and so PO Blum picked her up under her back and legs and carried her to the RMP. He does not recall § 87(2) attempting to strike any officer, and does not recall any officer kicking or striking him.

In the precinct, they were placed in the juvenile room, with an unknown officer watching them. PO Blum stated he and the lieutenant were "out of the picture" at that point, and stated that anyone in the precinct could have been assigned to watch them. At one point, PO Blum did go into the room and ask them once for their mother's number. Many people were talking to the children, and he'd been told they were uncooperative in providing information. He estimates they were asked four or five times for their telephone number, to contact their mother. Had that information not been obtained, the next step would have been to take them to Spofford.

He never heard any officer threaten to teach them a lesson, use profanity, call them stupid or retarded, tell them they were going to be thrown out a window, or state that they were going to be taken to a room and beaten. He did not say any of these things. He did not observe any officer lift § 87(2)(b) chair and shake it. PO Blum did not observe PO Sanchez, PO Rivera, or Lt. Cortright speak to the children. PO Blum stated that § 87(2) and § 87(2)(b) were the only children in the juvenile room.

PO Blum did not know who their mother was until she came into the precinct, at which point he recognized her. She has made her last two CCRB complaints against him, and so he decided to stay away from the scene. He went outside to the area where everyone smokes, although he hates cigarettes, in order to avoid problems. PO Blum stated he had no further interaction with her, stating that he "stayed away from that lady. She's scary."

When asked about his previous interactions with § 87(2)(b) he stated that you don't even have to be working on a given day, and she will make a complaint against you. PO Blum has been on numerous jobs to the § 87(2)(b) house. He is unaware of an incident with a § 87(2)(b) child falling or jumping off a roof. He never heard an officer make any statements about this individual.

Lt. Patrick Cortright

Lt. Cortright was interviewed by the CCRB on 11/4/03 (Encl. 17a-e). He stated that upon responding to the corner bodega, they found the door locked. PO Rivera and PO Sanchez arrived shortly thereafter, and they were told the children were inside the store. The storekeeper explained that when § 87(2)(b) came to the bodega with her brother, she began knocking over bread racks and kicked the door, widening an existing crack in the glass. The storekeeper stated he wanted the children arrested, and Lt. Cortright authorized their arrests.

§ 87(2) and § 87(2)(b) were near the counter. Once one handcuff was placed on § 87(2)(b) she dropped to the floor. Lt. Cortright told her to "cut it out," that she needed to be cuffed, but she continued to move around from side to side, trying to prevent her other hand from being cuffed. The second cuff was placed on her when she was on the ground.

Lt. Cortright did not recall much about § 87(2)(b) handcuffing. He believes that § 87(2) was crying, and did not recall him on the floor at any point. He did not recall the extent of force necessary to handcuff him, and did not observe any officer punch § 87(2) or call him a sissy. Lt. Cortright did not do these things. The lieutenant did not recall if any attempts were made on the scene to obtain their names.

At the command, they were placed into the juvenile interrogation room. The lieutenant was not sure who was with them, but speculated it might have been PO Sanchez and PO Rivera, who took their

arrests. The precinct juvenile officer had already left for the day. He did not recall seeing the children inside the room, and did not recall being inside the room at any point, though he assumes he probably was. He does not recall asking them for any information and did not know who finally obtained their mother's contact information from them.

§ 87(2)(b) eventually arrived in the precinct, which was the first time Lt. Cortright realized that § 87(2)(b) and § 87(2)(b) were her children. Lt. Cortright states that § 87(2)(b) continually files IAB and CCRB complaints and repeatedly makes it known that she has a lawsuit against the department. Lt. Cortright explained to her what happened, and explained that the storekeeper wanted the children arrested. § 87(2)(b) spoke to the shopkeeper, took some names, and then walked out. Shortly thereafter, she came back in and alleged that her daughter had been abused, and that her son had been verbally abused and told he was going to the big house. The lieutenant told her that was not true and asked her if she wanted a form to file a complaint. She stated that she did not want to deal with them and would call IAB.

Two juvenile reports were prepared for § 87(2)(b) and § 87(2)(b).

Documents

The command log (Encl. 20) has entries for § 87(2)(b) and § 87(2)(b) at 4:50 PM, indicating that both were arrested for petty larceny. A juvenile report was prepared at 5:40 PM and both children were released. § 87(2)(g)

§ 87(2)(b) The command log also indicates that § 87(2)(b) was arrested at 5:25 with § 87(2)(a) FCT § 380.1 and eventually released to § 87(2)(b). The log indicates that PO Blum was § 87(2)(b) arresting officer.

IAB took photographs of § 87(2)(b) and § 87(2)(b) on 8/14/02 (Encl. 21). There are no visible injuries on either child.

Prior Complaints

§ 87(2)(b) has filed twelve CCRB complaints since 2000 (Encl. 3), many involving her children. § 87(2)(b)

Lt. Cortwright has eleven CCRB complaints stemming from six cases in his thirteen year tenure, with no substantiations (Encl. 4). PO Blum has fifteen CCRB complaints stemming from eight cases in his seven-year tenure, with no substantiations (Encl. 5). PO Sanchez has seven CCRB complaints stemming from three cases in his twelve-year tenure, and no substantiations (Encl. 6).

Civil Suit

§ 87(2)(b) . The notice of claim (Encl. 22a-e) states that the § 87(2)(b) family has been the object of harassment by members of the 041 precinct, and currently sets the amount of the damages at 100 million dollars, citing assault, battery, harassment, false arrest, false imprisonment, retaliation, malicious prosecution, unlawful search, constitutional violation, civil rights violation, negligence, and emotional distress. According to Robert Howe of the City Comptroller's office (in a telephone conversation dating 5/21/03), the 50-H hearing in regards to this case was scheduled for § 87(2)(a) and has been rescheduled for an unspecified date (that information was not available on his computer at the time). Mr. Howe also checked the computer database and asserted that this claim was the only lawsuit § 87(2)(b) has against the city, but involved three separate claimants (§ 87(2)(b) her son, and her daughter.)

Conclusions and Recommendations

Disputed and Undisputed Facts

It is undisputed that § 87(2) and § 87(2)(b) were locked in the bodega by the storekeeper, with whom they had engaged in some type of physical struggle. Upon officers' arrival to the bodega, the two children were arrested, with only minor resistance, if any. Lt. Cortright arrested § 87(2) and PO Rivera arrested § 87(2)(b). They were taken to the precinct juvenile room and handcuffed to chairs, and were seen by § 87(2)(b) who was in the juvenile room at the time. Various officers asked them to provide contact information, which § 87(2) at least, was reluctant to do. After this information was obtained, § 87(2)(b) arrived to pick up her children. She initially left the precinct calmly, but promptly returned, alleging her children had been verbally and physically abused.

§ 87(2)(g)

Credibility Analysis and Officer Identification

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegations

§ 87(2)(b) claimed that while in the stationhouse, Lt. Cortright used profanity towards § 87(2)(b) § 87(2)(g)

Allegation A: Lt. Cortright used physical force towards § 87(2)(b)

Both § 87(2)(b) and § 87(2) repeatedly state that § 87(2) was struck two times in the back/shoulder area during his handcuffing. § 87(2)(g) § 87(2) stated to CCRB that he had a small bruise on his shoulder as a result of these actions, but to IAB stated he had no injuries, and IAB photographs reveal no visible marks. § 87(2)(b) who observed § 87(2)(b) handcuffing, also states that § 87(2) was not struck. § 87(2)(g)

Allegation B: Lt. Cortright spoke rudely to § 87(2)(b)

Allegation C: PO Blum spoke rudely to § 87(2)(b)

Though different discourtesies were alleged by various people in various statements, “sissy” was alleged by both § 87(2)(b) in her IAB statement, and twice by § 87(2)(b) who identified Lt. Cortright and PO Blum as making this statement. It was not alleged by § 87(2)(b) the victim of the discourtesy. § 87(2)(g)

Allegation D: An officer used physical force towards § 87(2)(b)

§ 87(2)(b) stated to IAB that Lt. Cortright punched her in the side, but did not mention this to CCRB, stating instead that no officers did anything to her, and not indicating any situation where she even directly interacted with Lt. Cortright. In regard to § 87(2)(b) being punched in the side, § 87(2) indicated that he “might” have seen PO Blum kick or hit her while he was being handcuffed. § 87(2)(g)

Allegation E: PO Sanchez used physical force towards § 87(2)(b)

§ 87(2)(g) PO Sanchez entered the room, turned off the lights, and lifted the chair that § 87(2) was sitting in, shaking him. § 87(2)(g)

§ 87(2)(g)

Allegation F: PO Sanchez threatened § 87(2)(b) with the use of force.

§ 87(2)(b) told IAB that PO Sanchez, after picking up § 87(2)(b) chair, threatened to throw him out of the room. She repeated this allegation to the CCRB. § 87(2) also told IAB that he was lifted in his chair and told that he would be thrown, and stated to CCRB that PO Sanchez threatened to throw him out the window. Again, this allegation is denied by PO Sanchez, § 87(2)(g)

Allegation G: PO Blum used physical force against § 87(2)(b)

That § 87(2) was smacked in the face was one of the original allegations made by § 87(2)(b) to IAB. To IAB, § 87(2)(b) stated that PO Blum smacked § 87(2) in the face. To CCRB, she mentioned that § 87(2) was “poked” in the face in the stationhouse, and then stated that PO Blum smacked him. § 87(2) told IAB that he was smacked in the face, but then told CCRB that he was not hit while in the stationhouse. § 87(2)(g)

§ 87(2)(b) *diminimus* physical contact, which, as cited in PD v. Medina (OATH index 2283/00; Encl. 1), may not rise to the level of sanctionable misconduct. § 87(2)(g)

Allegation H: PO Sanchez spoke rudely to § 87(2)(b)

§ 87(2)(b) alleges that PO Sanchez called him “retarded” and insinuated that he would be a “failure.” Though these exact comments were not alleged by § 87(2)(b) she also indicated that officers were teasing § 87(2) and calling him names. § 87(2)(g)

Allegation I: An officer threatened § 87(2) and § 87(2)(b) with the use of force.

§ 87(2)(b) alleges that in the precinct, PO Sanchez threatened to take the children to a room or to the gym and beat them. § 87(2) recalls the officer in the white T-shirt (PO Blum) making this statement.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: